

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL BUCKNER,)
Petitioner,)
v.) No. 4:20-CV-267 RWS
UNITED STATES OF AMERICA,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on review of *pro se* petitioner Michael Buckner's filing in this case. ECF No. 1. Michael Buckner is currently incarcerated in federal custody after being sentenced by this Court on January 18, 2019, to 84 months' imprisonment for one charge of felon in possession of a firearm. *United States v. Buckner*, No. 4:17-CR-69-RWS-1 (E.D. Mo. Feb. 8, 2017). Petitioner initiated this action by filing an untitled letter with the Court which begins: "Any motion filed in the district court that imposed the SENTENCE ... is a motion under 2255, no matter what title the petitioner gives it." *Id.* As such, petitioner's letter has been construed as seeking relief under 28 U.S.C. § 2255. However, the letter is defective as a § 2255 motion because it has not been drafted on a Court-provided form. *See* E.D. Mo. Local Rule 2.06(A). The Clerk of Court will be directed to send petitioner the Court form for § 2255 motions and petitioner will have thirty (30) days to file an amended motion on the such form.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to mail to petitioner a copy of the Court's form "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a person in federal custody."

IT IS FURTHER ORDERED that petitioner shall file an amended motion on the Court-
provided form within **thirty (30) days** of the date of this Order.

IT IS FINALLY ORDERED that if petitioner fails to comply with this Order, the Court
will dismiss this action without prejudice.

Dated this 25th day of February, 2020.

Sippel
RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE